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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000326

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TAGS: PHUM PREL PGOV NP UN

SUBJECT: NEPAL: UN HUMAN RIGHTS OFFICIAL PLEDGES CLOSER
COMMUNICATION WITH GON AND US

REF: KATHMANDU 310

Classified By: AMB. MICHAEL E. MALINOWSKI. REASON: 1.5 (B,D).

SUMMARY

1. (C/NF) In a February 17 meeting with the Ambassador, Gianni Magazzeni, Geographic Teams leader from the UN Office of the High Commissioner for Human Rights (OHCHR), acknowledged that a UN-proposed human rights accord will likely face resistance from the Government of Nepal (GON) unless the UN does a much better job of persuading the GON of the merits of the accord. Magazzeni indicated that the OHCHR "needs to get down to the nuts and bolts" of basic monitoring with the National Human Rights Commission, and "leave the human rights accord aside" for the time being. The Ambassador agreed with Magazzeni on the need for technical support to strengthen the National Human Rights Commission. In a separate conversation, Magazzeni confided to the Ambassador that the local OHCHR representative, who has not attempted to maintain contact with either the GON or the Embassy, was viewed as an "unmitigated disaster" by Geneva and was being "fired." End summary.

OHCHR REDIRECTING EFFORTS ON
NATIONAL HUMAN RIGHTS COMMISSION

2. (U) On February 17 Gianni Magazzeni, Geographic Teams leader from the UN Office of the High Commissioner for Human Rights (OHCHR), called on the Ambassador to enlist USG support for a UN proposal to provide technical assistance to Nepal's National Human Rights Commission (NHRC). Magazzeni was accompanied by Matthew Kahane, UNDP Resident Representative, and Nicholas Howen, OHCHR regional representative.

3. (C) Magazzeni opened the conversation by suggesting that the OHCHR is refocusing its priorities on providing technical assistance to the NHRC, rather than on persuading the Government of Nepal (GON) and the Maoists to sign a draft human rights accord. (Note: UN-provided assistance to the NHRC was originally proposed as a follow-on to the signing of the human rights accord, which was drafted during the 2003 ceasefire. The NHRC, assisted by the UN, was supposed to monitor both parties' compliance with the terms of the accord. Neither the Maoists nor the GON has signed the accord. End note.) Whether or not the accord ultimately is signed by both parties--and Magazzeni indicated substantial doubt that it would be in the near term--the NHRC needs international support to fulfill its constitutional mandate and become an impartial, effective and reliable human rights monitoring body. Strengthening the autonomous NHRC will reinforce the message that responsibility for human rights is not limited to one party in the conflict, while underscoring that the battle against terrorism cannot be won by sacrificing respect for human rights, he said. The subject of human rights has, unfortunately, become "very politically loaded here," Magazzeni acknowledged, so the OHCHR "needs to get down to the nuts and bolts" of basic monitoring with the NHRC, and "leave the human rights accord aside" for the time being. To this end, the OHCHR is proposing a three-to-six-month intervention to provide such basic technical assistance to the NHRC, for which, he concluded, the UN hopes to count on political and financial assistance from the USG.

4. (C) The Ambassador acknowledged US Mission concerns with the lack of impartiality in the NHRC, adding that the body had been virtually paralyzed by internal political and personal rivalries among its members. Nonetheless, the USG has been looking for ways to support and improve the NHRC and help it fulfill its constitutional role of independently monitoring the human rights situation, he said.

MORE CONTACT NEEDED WITH GON

15. (C) The Ambassador noted that John Bevan, the OHCHR's local representative, had not done a good job of securing GON support for either the human rights accord or the proposed assistance to the NHRC (Reftel). As a result, the GON does not understand the benefit of signing the accord but views it instead as a potential liability. In particular, the UN should make a concerted effort to cultivate better contacts among the Royal Nepal Army (RNA), the Ambassador suggested, adding that individual officers' and soldiers' experiences in UN Peacekeeping Operations had helped sensitize them to human rights issues. The Embassy uses its frequent meetings with the RNA leadership to emphasize the need to respect human rights, he said. Magazzeni acknowledged that OHCHR efforts had been wanting in this area. UNDP ResRep Kahane responded that UN officials in Kathmandu should do more to exploit the "natural entree" that RNA participation in UNPKO offers the UN.

16. (C) The Ambassador also noted that the local OHCHR representative had made no effort to brief the Embassy on either the accord or the proposed assistance for the NHRC. Having just recently examined the revised draft accord--a copy of which the Embassy obtained from the British Embassy, rather than the OHCHR itself--the Ambassador said he had several questions. OHCHR regional representative Howen offered to meet with poloff to discuss these concerns.

CHANGING OF THE GUARD

17. (C/NF) In a separate encounter with the Ambassador at a social event, Magazzeni described OHCHR's local representative as an "unmitigated disaster," acknowledging that he had spent nearly all of his time interacting with NGOs and sympathetic EU missions, to the exclusion of the GON, the media, the security forces and the broader diplomatic community. Magazzeni said the OHCHR representative will be "fired" soon and replaced by a new team, headed by an experienced and well-regarded Australian national, that will work more closely with both the GON and the U.S.

COMMENT

18. (C/NF) With no leverage over the Maoists to enforce compliance and no effort to persuade the GON of the benefits of signing, the human rights community here has long recognized that hopes that either party would sign the human rights accord were moribund well before the end of the ceasefire. EU and UN proponents of the accord have done nothing to allay GON suspicions that the document would be little more than a vehicle for further international criticism of its human rights record that exerted no commensurate pressure on the Maoists. We welcome OHCHR's decision to recast its efforts in Nepal toward strengthening the woefully inadequate NHRC. Unfortunately, the activities of OHCHR's local representative in Kathmandu may have tainted GON perceptions of OHCHR as a neutral, independent body capable of instilling such virtues in the NHRC. We are encouraged to hear that OHCHR in Geneva seems to be taking steps to address this. We endorse USG political and financial support of OHCHR's initiative to strengthen the NHRC.
MALINOWSKI